

### **REMARKS**

This is in response to the Final Official Action dated August 28, 2009. No claims have been amended, claim 3 remains canceled, and no claims have been added; as such, claims 1-2 and 4-8 are now pending in this application. Claims 1 and 6 are independent claims. Reconsideration and allowance is requested in view of the following remarks.

#### **35 USC § 102 Rejections**

Claims 1, 2 and 6 have been rejected under 35 U.S.C. § 102(b) as being as being anticipated by Kawahara et al (U.S. Patent Pub. No. 2003/0026592, hereinafter referred to as “Kawahara ‘592”). Applicant respectfully traverses this rejection.

Applicant points out that the priorities date for Applicant’s invention, U.S. Patent Pub. No. 2006/0238835, is April 4, 2003 and the priority date for Kawahara ‘592 is February 6, 2003 for purposes of a 35 U.S.C. § 102(b) rejection. Applicant notes that the correct rejection using the Kawahara ‘592 reference would be 35 U.S.C. § 102(a). Nevertheless, the claims are neither disclosed nor suggested by Kawahara ‘592, so a new grounds of rejection (necessarily non-final) should not be instituted in the next action.

For example, claim 1 recites:

*An editing apparatus comprising:*

*an edit list recognition unit for recognizing an edit list describing edit contents in a general-purpose data description language, the edit contents used for creating a series of video content by editing a plurality of edit material;*

*a video content creation unit for creating the video content by performing an editing process on the plurality of edit material based on the edit contents of the edit list wherein the video content creation unit creates the video content by executing the editing process after converting the plurality of edit material into a prescribed edit format suitable for the editing process and extracting desired video content of the plurality of edit material based on a plurality of edit point information;*

*an editing processor for performing an editing process on the video content created by the video content creation unit; and*

*an edit list creation unit for creating a new edit list described in the general-purpose data description language based on the editing process executed by the editing processor.*

Kawahara '592 fails to disclose, suggest or teach "a video content creation unit for creating the video content by performing an editing process on the plurality of edit material based on the edit contents of the edit list wherein the video content creation unit creates the video content by executing the editing process after converting the plurality of edit material into a prescribed edit format suitable for the editing process and extracting desired video content of the plurality of edit material based on a plurality of edit point information."

Moreover, Kawahara '592 fails to disclose, suggest or teach "an edit list creation unit for creating a new edit list described in the general-purpose data description language based on the editing process executed by the editing processor."

The Office Action, however, alleges these features can be found in paragraph [0089], [0091-0092] and [0096] of Kawahara '592. This is wholly inaccurate.

Kawahara '592 relates to a content forming apparatus and method, an editing list making method, a content making apparatus and method, an editing apparatus and method and an editing information making apparatus and method, used for forming a content in a predetermined format from multiple video and/or audio materials. Specifically, Kawahara '592 discloses a means for providing an edit decision list making method of making an edit decision list permitted to form a content with low image deterioration and supporting multiple image data formats with the capability of switching processes from one to another. Kawahara '592 also discloses an edit decision list including identification information for identification of a material for use in editing, and a format declare statement for defining a format of at least a certain material.

In contrast, Applicant's invention can execute editing processes based on various kinds of editing process information described in a versatile edit list and a new edit list can be created

according to the editing process, so that a more advanced editing process can be executed regardless of the type of editing apparatus, thus making it possible to realize an editing apparatus capable of executing a more advanced editing process which can be executed by all editing apparatuses, regardless of the type of editing apparatus.

There is **no mention** of a video content creation unit that creates video content by executing an editing process **after** converting the plurality of edit material into a prescribed edit format suitable for the editing process **and** extracting desired video content of the plurality of edit material based on a plurality of edit point information in Kawahara '592.

Moreover, there is **no mention** of an edit list creation unit for creating a new edit list based on the editing process executed by an editing processor in Kawahara '592.

As such, Kawahara '592 fails to teach or suggest various features of independent claim 1. For reasons similar to those regarding claim 1, independent claim 6 is similarly neither disclosed nor suggested by Kawahara '592. Dependent claim 2 is also neither disclosed nor suggested by Kawahara '592, for its incorporation of the distinct features recited in the respective independent claim 1, as well as for its own separately recited patentably distinct features.

Accordingly, Applicant respectfully requests that the rejection of claims 1, 2 and 6 under 35 U.S.C. § 102(b) as being anticipated by Kawahara '592 be withdrawn.

### **35 USC § 103 Rejections**

Claims 4 and 5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kawahara '592 in view of Chakravarty et al (U.S. Patent Pub. No. 2002/0175917, hereinafter referred to as "Chakravarty '917"). Applicant respectfully traverses this rejection.

Claims 4 and 5 depend from and thus incorporate the features of claim 1, which is neither disclosed nor suggested by Kawahara '592, for the reasons stated above.

Accordingly, Applicant respectfully requests that the rejection of claims 4 and 5 under 35 U.S.C. § 103(a) as being unpatentable over Kawahara '592 in view of Chakravarty '917 be withdrawn.

## **Conclusion**

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

This response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

## **Extensions of time**

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

The Commissioner is hereby authorized to charge all required fees, fees under 37 C.F.R. §1.17, or all required extension of time fees.

## **Fees-general authorization**

The Commissioner is hereby authorized to charge any deficiency in fees filed, asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm).

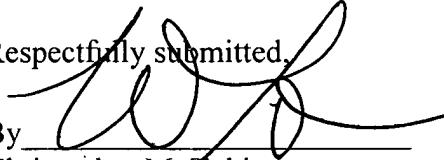
Application No. 10/551,556  
Amendment dated October 21, 2009  
After Final Office Action of August 28, 2009

Docket No.: SON-2987

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: October 21, 2009

Respectfully submitted,



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